

**DURHAM, NORTH CAROLINA
MONDAY, MAY 4, 2015
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers located at 101 City Hall Plaza with the following members present: Mayor William V. “Bill” Bell, Mayor Pro-Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Eddie Davis, Don Moffitt and Steve Schewel. Absent: None.

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Dianalynn Schreiber.

Mayor Bell called the meeting to order with a moment of silent meditation followed by the Pledge of Allegiance led by Council Member Davis.

[CEREMONIAL ITEMS]

Mayor Bell read and presented the proclamation for Children’s Mental Health Awareness Month to Teka Dempson.

Ms. Dempson expressed appreciation for the recognition; stated there had been an overall decrease in suspensions, resulting with parents keeping their jobs; that Council had been supportive in addressing family and children life challenges; stated good things were happening in Durham due to the collaboration of all; and thanked the Council for the encouragement and support.

Mayor Bell read and presented the proclamation entitled Week of No Barriers and deferred to Olivia Simpson, representing the Durham Youth Commission, for comments.

Ms. Simpson, commented challenge given by the Council to the Durham Youth Commission; stated they created an opportunity for peer-to-peer initiative to celebrate diversity, advocated on behalf of youth, their use resources available to the organization and effort to combat stereotypes; and that the initiative resulted in creating a stronger community.

Mayor Bell read and presented the proclamation for National Prevention Week being observed May 23-30th regarding illicit substance abuse and mental health problems affecting communities nationwide.

Wanda Boone, representing TRY, introduced two youth coalition members, Oscar Hernandez and Osafa James, who addressed the council on their activities assisting the youth.

Mayor Bell read and presented the proclamation for Older Americans Month being observed during the month of May.

Jason Jones, Assistant Director of Parks and Recreation, stated he had the a Mature Adults Unit in his department; stated that Durham Senior Games supported the tenets of health, wellness and connectivity between seniors; and recognized Bridget Robinson along with her efforts in the Mature Adult Unit.

May 4, 2015

Mayor Bell read and presented the proclamation for Peace Officers Memorial Day which was observed on May 1st and Police Week May 10th -16th; stated that the proclamation served to honor law enforcement officers, past and present, safeguarding the community; and presented the proclamation to Police Chief Lopez, who stood in for William M. Evans, President of the Durham County Fraternal Order of Police.

Chief Lopez expressed gratitude for the recognition; stated that many dedicated officers had lost their lives safeguarding the community; and thanked Council for their support.

Mayor Bell read the proclamation recognizing National Drinking Water Week; and presented the proclamation to Don Greeley, Director of Water Management.

Director of Water Management Greeley addressed the work of his department to supply and distribute safe drinking water in Durham; and deferred to Vickie Westbrook, Deputy Director of Water Management, for presentation of awards.

Deputy Director Westbrook stated there were 200 contestants; and announced the Poster Contest's winning entries by name, grade, school and award. Water Management's Mascot, Rain Drop, was on hand to congratulate the winners also.

Winning entries in the grades 3-5 division were:

- Faith Hanson, 4th Grade, Durham Academy – First Place City, First Place State
- Teddy Wallen, 4th Grade, Durham Academy– Second Place City, Second Place State
- Omar Ramos Espinoza, 3rd Grade, Holt Elementary Language Academy – Third Place, Third Place State

Winning entries in the grades 6-8 division were:

- Starr Matthews, 8th Grade, Voyager Academy – First Place City, Second Place State
- Luke Cunningham, 8th Grade, Voyager Academy – Second Place City, First Place State
- Bel Orinda, 8th Grade, Voyager Academy – Third Place City, Third Place State

Ms. Westbrook recognized teachers and administrators in attendance and voiced appreciation for their ongoing contributions to the program.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Bell asked if there were any announcements by Council.

Council Member Davis thanked the demonstrators who exercised their First Amendment rights by expressing their concerns regarding events in Baltimore and nationally in a peaceful march from the Durham Police Department to the Durham Detention Center on Saturday, May 2nd; expressed appreciation to the Durham Police Department for monitoring, protecting and serving the demonstrators during the march and encouraged officers to continue in their efforts to support, protect and serve Durham's citizens; noted that there were many issues brought forth in the march that deserve attention; encouraged entities in 2015 such as the Durham School Board, County Commissioners, Council and the business community to have conversations about issues and

May 4, 2015

devise solutions to prevent Durham from ever being in the situation involving the same sort of attention that occurred in Baltimore; and encouraged open, honest, frank dialogue in critical community conversations that would be well planned, facilitated and inclusive of all points of view to address issues ahead of any type of potential crisis in Durham; and agreed to spearhead the task.

Mayor Pro-Tempore Cole-McFadden noted that after receiving the report from the Department of Justice, that Council Member Davis' initiative was evolving in response to the report, and that she would be willing to work with Council Member Davis in his initiative; she recognized members of the Youth Commission in attendance; recognized Evelyn Scott who would be earning her MPA and graduating from NCCU along with her daughter on Mother's Day, May 10th.

[PRIORITY ITEMS]

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk.

City Manager Bonfield confirmed there were two priority items; he referenced Item #11, Inter-local Agreement between the City of Durham and Durham County to establish the Workforce Development Board and its Administrative Entry Under the Workforce Innovation and Opportunity Act (WIOA) of 2014, Effective July 1, 2015, by stating the item needed to be referred back to the administration for review of Board of Commissioner's recommendations and would provide an update at Thursday's Work Session; and referenced the added Supplemental Item regarding the 2015 First Quarter Summary Crime Report to be presented by the Police Chief.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Catotti to accept the City Manager's priority items was approved at 7:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

The City Attorney and City Clerk responded that they had no priority items.

Mayor Bell explained that the Consent Agenda was approved with a single motion and items pulled from the agenda by any citizen or council member would be discussed at the end of the agenda.

Mayor Bell read each agenda item and acknowledged that there were no items requested to be pulled from the consent agenda for further discussion; however, noted that Item #11, Inter-local Agreement between the City of Durham and Durham County to establish the Durham Workforce Development Board and its administrative entity under the Workforce Innovation and Opportunity Act (WIOA) of 2014, effective July 1, 2015, was being referred back to the administration and OEWD due to revisions requested by the Durham County Board of Commissioners.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to approve the Consent Agenda was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to approve the City Council Minutes for the March 5, 2015 and March 19, 2015 Work Sessions and the March 16, 2015 City Council Meeting was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENTS

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to reappoint David L. Harris and Tom Miller to the Durham Planning Commission with the terms to expire on June 30, 2018 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: STREET AND INFRASTRUCTURE ACCEPTANCES

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to accept the streets and infrastructure as listed below for maintenance by the City of Durham was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

Muirfield Village – PH II & III

- 1) Nicklaus Drive – from the end of Phase 1 construction @ STA 19+10 eastward through the cul-de-sac (690') and
- 2) Daly Court – from the centerline of Nicklaus Drive northward through the cul-de-sac (273') and
- 3) Skyler Lane – from the centerline of Nicklaus Drive north to the centerline of Victory Boulevard (421') and
- 4) Bogie Court – from the centerline of Nicklaus Drive northwest through the cul-de-sac (185') and
- 5) Victory Boulevard - from the end of Phase I construction east to the end pavement at STA 19+04 (373').

Ample Storage – Dominion Street

- 1) Dominion Street – from the south curbline of E. Club Boulevard southeast through the cul-de-sac (500’.)

Durham Co-Housing – Water Main

- 1) Hunt Street Water Main – from the existing 16” water @ STA 0+00 east to the end of construction @ STA 2+97.99 (298’.)

Kingsley Estates – Water Mains

- 1) Clausun Drive – from the existing water main at Scott King Road north then west to the end of construction @ STA 18+95 (910’) and
- 2) Costin Court – from the Clausun Drive water main southwest to the end of construction @ STA 12+85 (295’).

Gateway Terrace – Water & Sewer Mains

- 1) Watkins Road Water Main – from the end of the existing water main @ STA 16+30 east across Witherspoon Boulevard to the existing water main @ STA 10+00 (630’) and
- 2) Watkins Road Sewer Main – from the end of the private sanitary sewer @ STA 12+00 west to the existing public sewer @ STA 10+00 (200’).

Barbee Chapel Multi-Family – Water Main

- 1) Barbee Chapel Road Water Main – from the end of the existing water main @ STA 2+40 northwest to the main entrance of the complex (250’).

Research Triangle Foundation – Water Mains

- 1) Louis Stephens Drive Water Main – from the existing water main north of Innovation Drive south to the end of construction @ STA 10+00 (3,630’) and
- 2) Hopson Road Water Main – from the water main at Louis Stephens Drive west to the end of construction @ STA 26+25 (1,625’).

Southern Reinforcing Main – Phase II

- 1) Southern Reinforcing Water Main – from the end of Phase I construction near the Ellis Road Elevated Storage Tank generally southeastward to the Angier Avenue Elevated Storage Tank (14,888’).

May 4, 2015

**SUBJECT: FY 2014- 2015 EMERGENCY SOLUTIONS GRANT FUNDS - DURHAM
CRISIS RESPONSE CENTER SUBRECIPIENT CONTRACT FOR
EMERGENCY SHELTER OPERATIONS AND ESSENTIAL SERVICES**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the expenditure of \$15,029.00 in Emergency Solutions Grant funds; and

To authorize the City Manager to execute a contract with Durham Crisis Response Center in the amount of \$15,029.00 to provide emergency shelter households experiencing homelessness as a result of Domestic Violence was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: CONDITIONAL COMMITMENT OF SUBORDINATE FINANCING IN AN
AMOUNT UP TO \$3,800,000.00 FOR THE SECOND PHASE OF RENTAL
DEVELOPMENT OF THE LOFTS AT SOUTHSIDE AND A
CONDITIONAL COMMITMENT TO FUND THE ASSOCIATED SITE
PREPARATION AND INFRASTRUCTURE IMPROVEMENTS**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the City Manager to issue to Southside Revitalization Phase II LP, a conditional commitment of subordinate financing in an amount up to \$3,800,000.00 for the second phase of rental development of the Lofts at Southside consisting of 85 mixed income units; and

To issue a conditional commitment to fund the associated site preparation and infrastructure improvements at an amount not to exceed \$3,000,000.00 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

**SUBJECT: CONTRACT WITH CDM SMITH INC. FOR RECLAIMED WATER
MASTER PLAN DEVELOPMENT**

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the City Manager to execute a contract with CDM Smith, Inc. for Professional Services for development of a Reclaimed Water Master Plan at a contract cost of \$307,000.00;

To establish a contingency fund in the amount of \$31,000.00; and

To authorize the City Manager to negotiate change orders provided that the cost of all change orders does not exceed \$31,000.00 and the total project cost does not exceed \$338,000.00 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

May 4, 2015

SUBJECT: CONTRACT WITH MUNICIPAL SALES, INC. FOR SR-59 CHEMICAL CONTROL OF SANITARY SEWER ROOT INTRUSION

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the City Manager to execute a service contract with Municipal Sales, Inc. for SR-59 Chemical Control of Sanitary Sewer Root Intrusion services for a contract cost not to exceed \$94,128.00 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: BID REPORT-MARCH 2015

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to receive a report and to record into minutes bids which were acted upon by the City Manager during the month of March 2015 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.



City of Durham | North Carolina

Date: April 7, 2015

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager

From: David Boyd, Finance Director
Jonathan Hawley, Purchasing Supervisor

Subject: Bid Report -March 2015

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of March 2015

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:**1. Bid: Vehicles**

Purpose of Bid: Provides the Fleet Management with two (2) replacement vehicles for the Water Management Department-Meter Maintenance Division and one (1) replacement vehicle for the Fire Department.

Comments:

Opened: 2/25/2015
3 vehicles @
\$17,900.00

Bidders: University Ford * \$53,700.00
Durham, NC
Earl Tindol Ford \$53,775.81
Gastonia, NC

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	140		# Black Males	20	14%
Total # Females	19	14%	# White Males	100	71%
Total # Males	121	86%	# Other Males	1	1%
			# Black Females	1	1%
			# White Females	18	13%
			# Other Females	0	0%

2. Bid: Vehicles

Purpose of Bid: Provides the Fleet Management with two (2) Toyota Prius Hybrid vehicles for the Water Management Department- Meter Maintenance Division.

Comments:

Opened: 2/25/2015
2 vehicles @
18,658.60

Bidders: Mark Jacobson Toyota DBA Triangle Auto Sales * \$37,317.20
Durham, NC
Fred Anderson Toyota \$39,442.00
Raleigh, NC

*Awarded based on: x Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>225</u>		# Black Males	<u>32</u>	<u>14%</u>
Total # Females	<u>49</u>	<u>22%</u>	# White Males	<u>115</u>	<u>51%</u>
Total # Males	<u>176</u>	<u>78%</u>	# Other Males	<u>29</u>	<u>13%</u>
			# Black Females	<u>27</u>	<u>12%</u>
			# White Females	<u>17</u>	<u>8%</u>
			# Other Females	<u>5</u>	<u>2%</u>

3. Bid: 250 Gallon Tack Units

Purpose of Bid: Provides the Public Works Department-Street Maintenance Division with three (3) 250 Gallon Tack Unit Diesel Fire Spray Systems.

Comments:

Opened: 3/2/2015
3 @ Units @
\$21,350.00

Bidders:	Sherwin Industries, Inc.	*	\$66,300.00
	Milwaukee, WI		
	Stepp MFG		\$70,459.50
	North Branch, MN		

*Awarded based on:	X	Low Bid	Other (See Comments)
	<u> </u>	<u> </u>	<u> </u>

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>26</u>		# Black Males	<u>0</u>	<u>0%</u>
Total # Females	<u>5</u>	<u>19%</u>	# White Males	<u>20</u>	<u>77%</u>
Total # Males	<u>21</u>	<u>81%</u>	# Other Males	<u>1</u>	<u>4%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>5</u>	<u>19%</u>
			# Other Females	<u>0</u>	<u>0%</u>

4. Bid: Motorcycle

Purpose of Bid: Provides the Fleet Management with one (1) replacement motorcycle for Police Department.

Comments:

Opened: 3/11/2015

May 4, 2015

Bidders:	Carolina Cycle Sports LP DBA Down Home Harley Davidson Burlington, NC	*	\$23,382.85
	Rommel Harley-Davidson Durham, NC		\$24,458.06

*Awarded based on:	x	Low Bid	Other (See Comments)
	_____	_____	_____

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>19</u>		# Black Males	<u>1</u>	<u>5%</u>
Total # Females	<u>6</u>	<u>32%</u>	# White Males	<u>11</u>	<u>58%</u>
Total # Males	<u>13</u>	<u>68%</u>	# Other Males	<u>1</u>	<u>5%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>6</u>	<u>32%</u>
			# Other Females	<u>0</u>	<u>0%</u>

5. Bid: Motorcycle

Purpose of Bid: Provides the Fleet Management with two (2) replacement motorcycles for Police Department.

Comments:

Opened: 3/11/2015
2 motorcycles @ \$20,182.85

Bidders:	Carolina Cycle Sports LP DBA Down Home Harley Davidson Burlington, NC	*	\$40,365.70
	Rommel Harley-Davidson Durham, NC		\$41,825.72

*Awarded based on:	X	Low Bid	Other (See Comments)
	_____	_____	_____

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>19</u>		# Black Males	<u>1</u>	<u>5%</u>
Total # Females	<u>6</u>	<u>32%</u>	# White Males	<u>11</u>	<u>58%</u>
Total # Males	<u>13</u>	<u>68%</u>	# Other Males	<u>1</u>	<u>5%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>6</u>	<u>32%</u>

Other Females 0 0%**6. Bid: Road and Highway Equipment**

Purpose of Bid: Provides the Fleet Management with one (1) Freightliner M2 Street Sweeper for the Public Works Department- Street Cleaning

Comments:

Opened: 3/11/2015

Bidders:	TYMCO Inc.	*	\$194,280.00
	Aurora, WV		
	Amick Equipment		\$197,438.00
	Mebane, NC		

*Awarded based on:	<u>X</u>	Low Bid	<u> </u>	Other (See Comments)
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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>156</u>		# Black Males	<u>7</u>	<u>4%</u>
Total # Females	<u>10</u>	<u>6%</u>	# White Males	<u>122</u>	<u>78%</u>
Total # Males	<u>146</u>	<u>94%</u>	# Other Males	<u>17</u>	<u>11%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>9</u>	<u>6%</u>
			# Other Females	<u>1</u>	<u>1%</u>

7. Bid: Sewer Lift Stations and Parts

Purpose of Bid: Provides the Water Management with two (2) replacements motors and starters for the Treyburn Pump Station #4.

Comments: Pete Duty & Associates are the sole authorized provider for the Smith & Loveless replacement lift required.

Opened: 3/25/15

Bidders:	Pete Duty & Associates	*	\$26,850.00
	Aurora, WV		

*Awarded based on:	<u> </u>	Low Bid	<u>x</u>	Other (See Comments)
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WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>17</u>		# Black Males	<u>0</u>	<u>4%</u>
Total # Females	<u>4</u>	<u>24%</u>	# White Males	<u>13</u>	<u>78%</u>
Total # Males	<u>13</u>	<u>76%</u>	# Other Males	<u>0</u>	<u>11%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>4</u>	<u>6%</u>
			# Other Females	<u>0</u>	<u>1%</u>

8. Bid: Replacement Parts

Purpose of Bid: Provides the Water Management with one hundred (100) pit registers for the Public Works Operations Center (PWOC).

Comments:

Opened: 3/25/15

Bidders:	HD Supply	*	\$17,500.00
	Morrisville, NC		
	Diversified Mechanical, Ltd.		\$18,500.00
	Durham, NC		
	Neptune Technology Group, Inc.		\$19,050.00
	Tallassee, AL		

*Awarded based on:	X	Low	Other (See
	_____	Bid	_____ Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>16</u>		# Black Males	<u>3</u>	<u>4%</u>
Total # Females	<u>1</u>	<u>24%</u>	# White Males	<u>12</u>	<u>78%</u>
Total # Males	<u>15</u>	<u>76%</u>	# Other Males	<u>0</u>	<u>11%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>1</u>	<u>6%</u>
			# Other Females	<u>0</u>	<u>1%</u>

9. Bid: Sewer Lift Stations and Parts

Purpose of Bid: Provides the Water Management with two (2) replacements pumps and two (2) replacement valves for the Brown Plant.

Comments: Pete Duty & Associates are the sole authorized provider for the Smith & Loveless replacement lift required.

Opened: 3/25/15

May 4, 2015

Bidders: Pete Duty & Associates * \$89,881.00
Aurora, WV

*Awarded based on: _____ Low Bid x _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	<u>17</u>		# Black Males	<u>0</u>	<u>4%</u>
Total # Females	<u>4</u>	<u>24%</u>	# White Males	<u>13</u>	<u>78%</u>
Total # Males	<u>13</u>	<u>76%</u>	# Other Males	<u>0</u>	<u>11%</u>
			# Black Females	<u>0</u>	<u>0%</u>
			# White Females	<u>4</u>	<u>6%</u>
			# Other Females	<u>0</u>	<u>1%</u>

SUBJECT: ACCEPTANCE OF DONATION OF A SCULPTURE FROM LIBERTY ARTS, INC.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the City Manager to execute an agreement with Liberty Arts, Inc. to accept the donation to the City of the sculpture titled "The Pursuit of Happiness" currently located in the Convention Center Plaza; and

To authorize the City Manager to approve the recommended location for the sculpture was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

SUBJECT: INTER-LOCAL AGREEMENT BETWEEN THE CITY OF DURHAM AND DURHAM COUNTY TO ESTABLISH THE DURHAM WORKFORCE DEVELOPMENT BOARD AND ITS ADMINISTRATIVE ENTITY UNDER THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) OF 2014, EFFECTIVE JULY 1, 2015

To resolve that the Mayor be authorized to execute the Inter-local Agreement between the City of Durham and the County of Durham for the establishment of the Durham Workforce Development Board and the establishment of the office of Economic and Workforce Development as its administrative entity.

Note: Per the City Manager's request, this item was referred back to the Administration – Office of Economic & Workforce Development; there were several revisions that the Board of Commissioners recommended at their Work Session.

May 4, 2015

SUBJECT: AMENDING THE FISCAL YEAR 2014-15 CITY OF DURHAM BUDGET ORDINANCE

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to adopt an Ordinance Amending the City of Durham Budget Ordinance as amended, Fiscal Year 2014-15, the same being Ordinance # 14650 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14739

SUBJECT: ACCEPTANCE OF THE 2015 NATIONAL RECREATION AND PARKS ASSOCIATION PARKS BUILD COMMUNITY GRANT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to authorize the City Manager to accept the 2015 National Recreation and Parks Association Parks Build Community Grant by executing the grant documents; and

To adopt the City of Durham 2015 National Recreation and Parks Association Parks Build Community Grant Project Ordinance in the amount of \$20,000.00 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14740

SUBJECT: 2015 POLICE SPECIALIZED PROGRAMS/UNITS SPECIAL REVENUE FUND

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to adopt the 2015 Police Specialized Programs/Units Special Revenue Fund Project Ordinance, in the amount of \$30,000.00 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14741

SUBJECT: 2014 RECREATION ADVISORY COMMISSION ANNUAL REPORT

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to accept the 2014 Recreation Advisory Commission Annual Report was approved at 7:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

May 4, 2015

The City Council disposed of the following agenda items at the April 23, 2015 Work Session:

9. Bid-Annual Truck Purchase

(This item was referred back to the Administration – Finance Dept.)

15. U-71 East End Connector Construction

(A presentation was received at the 04-23-15 Work Session)

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: COMPREHENSIVE PLAN AMENDMENT - GUGLHUPF (A1400007)

Patrick Young, Assistant Planning Director, stated that the application by Howard Partner was to amend the Future Land Use Map (FLUM) designation of a .4 acre site located at 2706 Durham-Chapel Hill Boulevard from its current designation of Medium Density Residential (6-12 DU/Ac.) to Commercial; the plan amendment was associated with a zoning map change, case Z1400027; the applicant proposed the change to the Future Land Use Map (FLUM) in order to provide for additional parking for the existing business; staff recommended approval of the request that meets the four criteria for *Comprehensive Plan* amendments and the Planning Commission recommended approval of the item at its March 10, 2015 meeting by a vote of 12-0.

Mayor Bell opened the public hearing and stated there were speakers to the item.

The following persons spoke in support of the item.

Howard Partner, the applicant, spoke in support of the item; stated the Guglhupf Restaurant had become a culinary landmark and the current parking was insufficient which impacted pedestrian safety and traffic movement in the adjacent neighborhood and across Durham-Chapel Hill Boulevard and Francis Street; commented on negotiations with the neighborhood association in devising a development plan that included prohibiting building on neighboring undeveloped sites and maintaining vegetated buffers along the proposed parking area; noted the plan included decorative screening/fencing and preserves mature trees and reduces maximum height of the required light poles; acknowledged that the owners signed an agreement restricting uses of the proposed parking area and maintaining the perimeter and restricts possible future changes to the current development plan; and encouraged Council to approve the comprehensive plan amendment and the upcoming zoning request on the agenda.

David Stephenson, representing Tuscaloosa-Lakewood Neighborhood Association, spoke to the process involved with negotiating with the applicant; devised restricting covenant on the land and a side agreement had been entered into; negotiations included an *ad hoc* committee of residents and discussions on the listserv; confirmed that an agreement had been reached that adequately safeguarded property owners and alleviated concerns; stated the Tuscaloosa-Lakewood Neighborhood Association board agreed to the proposal by majority vote; and encouraged Council's support.

May 4, 2015

The following person spoke in opposition to the item.

Susan Sewell, resident on Legion Avenue; spoke in opposition to the comprehensive plan and rezoning; believed the best boundary between commercial and residential was backyard to backyard; looked forward in partnering with their new neighbor businesses to support growth and finding solutions to parking issues while protecting residential areas; encouraged sidewalk development in neighborhood; referenced the neighborhood association's compromise which provides some protection by using a development plan to provide a non-negotiable buffer protection along residential street and limit the commercial use to parking only; and encouraged the Planning Department to protect buffers along boundaries between commercial and residential parcels.

Being no additional speakers, Mayor Bell closed the public hearing.

Council Member Catotti stated she appreciated Ms. Sewell's comments and proximity to the location; stated that the agreement on the parking area included many protections; and that she was comfortable with what the neighborhood had negotiated on the site.

MOTION by Council Member Catotti, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt a Resolution to change the Future Land Use from Medium Density Residential to Commercial was approved at 7:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9925

SUBJECT: ZONING MAP CHANGE-GUGLHUPF PARKING EXPANSION (Z1400027)

Assistant Planning Director Patrick Young presented the staff report; stated the Zoning Case Z1400027, Guglhupf Parking Expansion, was a request to change the zoning designation of 0.40 acres located at 2706 Durham Chapel Hill Boulevard from Residential Suburban – 8 to Commercial General with a development plan for a committed parking area; noted the site was within the Tuscaloosa-Lakewood Neighborhood Protection Overlay District and that the development plan requested the approval of a fence greater than four feet in height in the street yard along Francis Street; indicated the development plan associated with the request included commitments greater than ordinance standards by including text that prohibited buildings, preserved trees, and described permitted improvements on the site. Graphically, the development plan committed to the general location of site access point, general location of parking envelope, location of specimen trees and tree preservation areas and location of fence and fence detailing; stated staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances; and added the Planning Commission recommended approval on March 10, 2015 by a vote of 12-0.

Council Member Moffitt inquired about the role of the Planning Department in enforcing the commitments made between the applicant and the homeowner's association.

May 4, 2015

Mr. Young responded that the only agreements that were enforceable by the Planning Department were those included in the development plan; and that all others were considered private and would require enforcement through the courts.

Council Member Schewel acknowledged the successful negotiations between the neighborhood and the developer; stated he did not see anything in the text commitments pertaining to the two text commitments requested by the Bicycle and Pedestrian Advisory Committee regarding accessible pedestrian connectivity between the existing proposed parking lot and Francis Street and bicycle parking on the Guglhupf site; and considering the reconfiguration of the street, stated he would be great to have bicycle racks at the location.

Mr. Young responded that neither of the commitments were made by the applicant.

Mayor Bell opened the public hearing and stated there were speakers to the item.

Howard Partner spoke in support of the item; addressed bicycle parking; stated the request for such came in late in the process during the development plan; responded that bicycle parking was required and would be incorporated into the site plan review; stated that bicycle parking was a normal requirement within the UDO's site plan approval process instead of incorporating bicycle parking as a text amendment within the development plan; and confirmed bicycle parking would be provided.

Council Member Schewel inquired if bicycle parking would be included as a text commitment.

Mr. Partner replied that he did not feel it was necessary to be a text commitment because it was a normal requirement of the UDO to receive site plan approval.

Council Member Schewel requested staff to clarify.

Mr. Young confirmed that Mr. Partner was correct; the development of the current vacant site for the parking lot would require new parking spaces; stated what was being requested in the commitment was additional parking on the parent site and he did not believe that would be required; stated the commitment was focused on enhancing the existing restaurant site; and stated there would be required bike parking associated with the parking lot development.

Susan Sewell stated that there was a pedestrian entrance on Francis Street already on the non-involved part of the lot.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Council Member Catotti, seconded by Mayor Pro Tempore Cole-McFadden, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400027 out of Residential Suburban – 8 (RS-8) and placing same in and establishing same as Commercial General with a development plan (CG(D)) was approved at 7:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14742

MOTION by Council Member Moffitt, seconded by Mayor Pro Tempore Cole-McFadden, to adopt a Consistency Statement as required by GS 160A-383 was approved at 7:59 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.; and

**UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400027, Guglhupf Parking Expansion**

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to approve a statement describing whether or not the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to provide a brief statement indicating whether or not the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400027, Guglhupf Parking Expansion, is based upon review of the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: ZONING MAP CHANGE-LAKSHMI PLAZA (Z1400005)

Assistant Planning Director Patrick Young presented the staff report on Zoning Case Z1400005, Lakshmi Plaza, consisting of a request to change the zoning designation of 0.82 acres located at 4823 Hopson Road, on the north side of Hopson Road west of NC 54 Highway, from Office Institutional to Commercial Neighborhood with a development plan to allow a maximum of 7,788 square feet of commercial uses; stated the development plan associated with the request included commitments greater than ordinance standards by requiring the dedication of right-of-way along the frontage of the site, and restricting uses – specifically prohibiting restaurants with drive-through facilities, banks, and fuel sales, along with other graphic and text commitments detailed in the staff report associated with the item; and stated that staff determined that the request was consistent with the *Comprehensive Plan* and other adopted policies and ordinances and that the Planning Commission recommended approval on March 10, 2015 by a vote of 12-0.

May 4, 2015

Mayor Bell opened the public hearing and stated there were speakers to the item.

Cliff Credle, representing Credle Engineering, spoke as a proponent; stated he was an engineer on the project; stated they wanted to utilize existing building on Hopson Road for a viable resource for the community to retrofit the structure as a grocery store; addressed challenges they had and working closely with city departments of Transportation and Planning to make certain they were not proposing site improvements on the building; and requested approval of the request.

Vijay Vattilcuti, the developer, spoke in support of the item; stated he owned the building; he planned to establish a grocery store at the location which he felt would be good for the community; and upon Council's approval, he would proceed with the project.

Being no additional speakers, Mayor Bell closed the public hearing.

MOTION by Council Member Schewel, seconded by Council Member Brown, to adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1400005 out of Office Institutional (OI) and placing same in and establishing same as Commercial Neighborhood with a development plan (CN(D)) was approved at 8:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14743

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to adopt a Consistency Statement as required by GS 160A-383 was approved at 8:04 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
ZONING MAP CHANGE CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING Z1400005, Lakshmi Plaza

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to approve a statement describing whether or not the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute NCGS 160A-383, is required to provide a brief statement indicating whether or not the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

May 4, 2015

That final action regarding zoning map change Z1400005, Lakshmi Plaza, is based upon review of the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing.

SUBJECT: CONSOLIDATED ANNEXATION - HERNDON ROAD SUBDIVISION

Assistant Planning Director Patrick Young presented the staff report on the consolidated annexation item that was related to an approximately 26 acre parcel located on Herndon Road in southwest Durham; if approved would allow for annexation of the subject properties, provision of City utility services and development of up to 48 residential units. A utility extension agreement had been requested by Herndon Partners, LLC to serve the development. The Public Works and Water Management Departments had performed a utility impact analysis and determined that adequate sewer and water capacity was available with improvements provided by the applicant. A voluntary petition for contiguous annexation had also been submitted by the property owners for the site. The Budget and Management Services Department performed a Fiscal Impact Analysis based on the proposed use of the site as under the most intense use permitted by the initial zoning. The analysis projected that estimated revenues would exceed estimated expenditures following annexation. Pursuant to State law, the City Council was required to apply an initial zoning to newly annexed property. Staff was recommending an initial zoning of RR for the subject property, which was the least intense zoning permitted in the Suburban Development Tier. Staff recommended that the Council approved the extension agreement, voluntary annexation, and initial zoning for the Herndon Road Subdivision.

Mayor Bell opened the public hearing and stated there was a speaker to the item.

Jarrold Edens, representing Edens Land Corporation, stated he was available for questions by the Council.

Council Member Moffitt requested clarification regarding the zoning classification of RR prior to and following the annexation; inquired about the assigned differences in density; and asked if a development plan was required.

Mr. Young responded that water and sewer utilities were available on-site that allowed for the support of additional units; indicated that the differential density for RR was dependent upon the availability of utilities; and confirmed that a development plan was not required due to the assignment of the lowest intensity zoning district allowed in the suburban tier.

Council Member Davis inquired about opposition to the development from adjacent communities along Herndon Road.

Mr. Edens responded that he was not aware of any opposition to the proposed development.

May 4, 2015

Council Member Moffitt requested confirmation that the item had not gone before the Planning Commission.

Mr. Young replied that the item had not gone to the Planning Commission due to being an initial zoning; it was policy, that if the zoning was identical in the city and county, the project was not required to go the Planning Commission.

Being no additional speakers, Mayor Bell declared the public hearing closed.

MOTION by Council Member Moffitt, seconded by Mayor Pro-Tempore Cole-McFadden, to authorize the City Manager to enter into a sewer and water extension agreement with Herndon Partners, LLC;

To adopt an Ordinance Annexing 26.02 acres of Herndon Road Subdivision (case BDG1400007) into the City of Durham effective June 30, 2015;

To adopt an Ordinance Amending the Unified Development Ordinance (case Z1400016A) to establish Residential Rural (RR) zoning for the property was approved at 8:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #'s 14744 and 14745

MOTION by Mayor Pro Tempore Cole-McFadden, seconded by Council Member Catotti, to adopt a Consistency Statement as required by NCGS 160A-383 was approved at 8:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE ZONING MAP CHANGE CONSISTENCY STATEMENT BY THE DURHAM CITY COUNCIL REGARDING Z1400016A, Herndon Road Subdivision Initial

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to approve a statement describing how the action is consistent with the Durham Comprehensive Plan; and

WHEREAS the Durham City Council, upon acting upon a zoning map change to the Unified Development Ordinance and pursuant to state statute GS 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding zoning map change Z1400016A, Herndon Road Subdivision Initial, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable; and

That the proposed zoning map change is reasonable and in the public interest based upon the information provided within the staff report and associated documents submitted to the City Council, and the information provided through the public hearing.

**SUBJECT: UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT,
REVISIONS TO THE WIRELESS COMMUNICATION FACILITIES
ORDINANCE (TC1200013)**

Michael Stock, of the City/County Planning Department, presented the staff report; and stated as previously mentioned, all required notification had been performed for the public hearing item and were available on file for review. He stated that the item was an amendment to the limited use standards for wireless communication facilities (WCFs) found in section 5.3.3N of the unified development ordinance, or UDO. Additional revisions were proposed in Article 16, definitions, and other ancillary sections of the UDO.

Mr. Stock stated that on November 8, 2012, the City Council directed staff to review the current UDO regulations for WCFs in regards to issues raised by citizens. Subsequently, staff developed multiple draft revisions to the WCF regulations based upon direction and comments received by the Joint City-County Planning Committee. On August 6, 2014, after multiple public meetings with the JCCPC, the JCCPC provided staff with final direction for staff to move forward with the official adoption process of the revised WCF regulations. Throughout the process, Planning Department staff involved both the City and County Attorneys' offices to verify that changes were compliant with applicable state and federal regulations. Staff met with and received comments from stakeholders consisting of individual citizens, neighborhood groups, and industry representatives.

He stated most concerns were in regards to new freestanding WCFs, or commonly referred to as cell towers. In general, the proposed revisions provided for the following:

- Technical revisions to comply with recent state legislation and Federal Communications Commission (FCC) rulings;
- Technical revisions to reorganize sections and remove superfluous requirements;
- Addresses citizen concerns about notification prior to approval of new cell towers by requiring more applicants for proposed towers to seek a minor special use permit approval if the cell tower will be located in residential zoning or near residential zoning;
- Addresses citizen concerns about notification regarding new cell towers by requiring a balloon test, with surrounding property owner notification of the balloon test, prior to minor special use permit application submittal;
- Addresses citizen concerns regarding tower safety by providing for greater setbacks from property lines and natural gas line easements;
- Addresses other concerns regarding liability, abandonment, aesthetics, buffers, and height;
- Maintains a regulatory preference towards collocation on existing towers and other structures that are suitable for WCFs;
- Maintains differentiation in the approval process between concealed and non-concealed WCFs; and

May 4, 2015

- Adds standards for a new type of freestanding cell tower called a unipole

The Planning Commission recommended approval 8-4, with the additional recommendation of reducing the maximum height of towers on properties zoned RR in the Suburban Tier. The Inter-Neighborhood Council also made the same request. Staff had not included that change in the text amendment since it was a substantial policy decision and staff did not receive direction to address it from JCCPC, and staff raised concerns with the request as detailed in the report.

Mr. Stock noted that there was a correction in the staff report regarding unipoles. The report indicated all unipoles in RS-20 and RR districts would require a minor special use permit; however, the draft amendment indicated those above 60 feet would require the special use permit. Those below 60 feet would require administrative site plan approval only. He stated Council would be required to take two actions as similarly done with zoning map changes- the first action was to vote on the amendment itself. The second action was to vote on the appropriate consistency statement; and stated he was available for Council's questions.

Mayor Bell opened the public hearing and asked Council if there were questions.

Mayor Pro-Tempore Cole-McFadden inquired about the timeline of the item; requested that staff address the written concerns by the resident, Ms. Rudolph; and encouraged speakers to share their concerns.

Mr. Stock responded that initial direction had been provided in November 2012 and that the item was brought to the Joint City/County Planning Committee in early of spring of 2013; and acknowledged Ms. Rudolph's questions that she provided to the Council.

Council Member Brown inquired when had staff received a copy of Ms. Rudolph's questions; and reiterated that the topic had been discussed since 2012.

Mr. Stock stated that he had just received the questions this evening.

Mayor Bell stated there were speakers to the item.

Fred Bower, representing the HOA of Eagles' Pointe Subdivision made the following remarks:

I am Vice President of the HOA of Eagles' Pointe, one of the neighborhoods that first asked Council to give residents a say when cell towers are inserted among homes. My own paycheck exists because of the explosion of wireless and broadband. Yet I am in favor of strict regulation of towers among homes. A lot of time went into this Amendment to make Durham's cell tower ordinance more resident-friendly. But I don't think we're there yet. Per the Amendment, Planning staff can put a tower in my neighborhood without my input because it's "petite" (under 60ft) and "camouflaged." Shortly, *again without my input*, that same tower can become a 150ft tall communication factory with four generators taking turns humming my son to sleep.

There's a whole new reality allowing industry to grow towers through the Federal Communications Commission's recent Order endorsing options to increase the height, mass

May 4, 2015

and ground equipment of towers once they're built. This Amendment is unclear especially on how it deals with the modification of towers in residential zones by "Substantial Change." My neighbors and I want to know: Who is authorized to approve these substantial Changes?" It looks like the o.k. is solely by staff because there's nothing in the text that states whether or when transformative changes go through a public hearing.

Because towers can now be significantly altered, my neighborhood says residents should be at the table when the original tower goes in. I am in support of this additional regulation, but I think there is more distance to go toward having a fair and equitable involvement of the public and the neighborhoods in the placement of towers given what is going on at the federal level. Let local law require all towers headed for residential zones, whatever their appearance or height, go to a public hearing-- just like the so-called non-concealed towers already do!

Mayor Bell requested staff to respond to the authorization process of future towers.

Mr. Stock confirmed that Mr. Bowers was correct regarding the FCC having specified rules that were governed by federal statute that has eroded local zoning control over wireless communication facilities requirements; responded that the jump from 50 to 150 feet was incorrect; stated it was 20 feet or ten percent, whichever was greater, once beyond those limitations, it would be considered a substantial change and would need to meet all local regulations; if it is a substantial change and does not meet those minimum changes that the FCC has interpreted as modest changes to existing facilities then they have to meet all local requirements; therefore if there is minor special use permit on the site limited to a certain height - if a tower was requested to go higher, a new minor special use permit would be needed or other remedies would be required; and clarified the notification process by acknowledging that staff standardized the requirement to increase notification for special use permits from 300 to 600 feet out from the property boundary lines of any new site or any minor special use permit request.

Danielle Rojas, representing Pennington Law Firm on behalf of Verizon Wireless, encouraged Council to support the item.

Philip Azar, representing the Inter-Neighborhood Council of Durham, advocated for uniform height restrictions of cell towers in rural residential areas in the suburban tier; and stated in their view there was no compelling reason to treat these areas differently from other residential neighborhoods in Durham, either the City or County. He stated from a policy prospective, he supported a uniform height restriction on cell towers in residential neighborhoods.

Susan Sewell, resident of Durham and member of the Cell Tower Study Committee, stated that when the committee presented before the Planning Commission, they had agreed with the committee's change to add rural residential in the suburban tier and to be treated the same as residential elsewhere in Durham; and were told that the Planning Commission could only recommend the change to Council then Council would have to ask the Planning Department to make that change, which she supported.

May 4, 2015

Mr. Stock interjected that the Planning Commission voted 8-4 on the committee's recommendation; and stated a couple of commissioners were in the minority supportive of the recommendation.

Dolly B. Fehrenbacher, President of the GoodNeighbors of 751/Durham, member of INC Zoning & Land-Use Committee made the following remarks:

I am speaking on behalf of The GoodNeighbors of 751/Durham. Our neighborhoods see two major concerns in the Planning Amendment TC1200013 rewrite of the UDO for WCFs. The first is the lack of height requirements in the suburban tier of the RR zone similar to the height standards provided in residential zones within the city. As INC's President Phil Azar mentioned, we also recommend the equalization of all Durham neighborhoods relating to the tower height regulation.

Our second concern is the lack of safety specifications ensuring Durham residents some protection under the General Requirements Section of the proposed UDO text on page 4. Rusty Monroe, an industry expert and consultant who spoke at the Triangle J Council of Governments sponsored by Ellen Reckhow, has said "...in North Carolina we have found that about 50% of the existing towers, with facilities attached to them that are proposed to be modified, fail the structural analysis. In other words, after the attached facilities are upgraded they will exceed the designed structural capacity of the tower." Many of these towers are approaching 10 years in contractual agreements of 50 years or at just one fifth of their life.

Going forward, we want our local officials to require the wireless facilities industry to be accountable to model codes as you hold local citizens accountable when we construct. As many other counties are doing, we want a comprehensive list of safety requirements written into the Durham UDO that will establish predictable and consistent minimum standards that the wireless facilities industry will responsibly comply to for safety of both new built towers and future collocations.

Mel Fehrenbacher, Professional Engineer and member of The GoodNeighbors of 751/Durham made the following remarks:

In addition to the cell tower itself, there are many components to a wireless facility such as transmitters and receivers, wiring, power converters, generators, diesel fuel storage tanks, air conditioning units to mention a few. The initial investment for a wireless facility is relatively small compared to the financial gains made over time.

When the height of a tower is increased and as more antenna arrays are added, the overall safety factor of the tower is reduced. During Hurricane Sandy, 25% of the cell towers were disabled by the storm. It's worth noting that when Hurricane Fran hit this area in 1996, it was equivalent in strength to Sandy. Here in Durham, there are cell towers next to schools, churches and homes. A robust safety factor is needed for all tower elements to protect the people near them.

Comprehensive safety and noise regulations should be listed in the UDO to require developers to make good choices on the quality and durability of all the components and for appropriate placement into our neighborhoods. We are asking for the following additions under 5.3.3.N.3

May 4, 2015

General Requirements c. Structural. Operational and Insurance Requirements, this is all on pg. 4 and what we would like added: All components, including the antennas, will strictly comply with current versions or editions of the latest applicable building, structural, electrical, and safety codes and with all other laws codifying objective standards reasonably related to health, safety and land use. In the event of a conflict between or among any of the preceding, the more stringent code shall apply. Structural and ANSI standards shall be met or exceeded throughout the life of the WCF and antenna. This wording will make it clear to the wireless facility developers that in Durham County, safety counts and is important to us.

Carol Baldwin, resident of Durham, made the following statement:

Good Evening Mayor Bell and Council, I would like to thank Council and the City for your attention to our concerns as you have undertaken the formidable task of crafting and adopting this new Amendment. Resident input and safety were our top concerns when we came to Council in 2012. We urged you to stop allowing cell towers in residential areas without resident input and to change a policy allowing towers too close to homes and high pressure gas lines in residential zones. Thank you for responding to our concerns with new safety setbacks in the Amendment. Tonight I am here to ask you to keep safety foremost in the approval of all towers and modifications to towers in residential zones by inserting Mr. Fehrenbacher's proposed wording into the pending Amendment TC1200013 on Page 4 under 5.3.3.N.3 General Requirements.

The following shall be provided with any site plan application: Documentation sealed by a registered professional engineer with related expertise that the new WCF, or modification to an existing WCF, meets or exceeds all structural and American National Standards Institute (ANSI) requirements for the proposed improvements. All components, including the antennas, will strictly comply with all versions or editions of the latest applicable building, structural, electrical, and safety codes and with all other laws codifying objective standards reasonably related to health and safety and land use. In the event of a conflict between or among any of the preceding, the more stringent shall apply. Structural and ANSI standards shall be met or exceeded throughout the life of the WCF and antennas.

Even in the "old" UDO, and up through the September 2013 draft of the new Amendment (5.3.3.N.4.d Expansion on Existing Free-standing Wireless Communication Facilities) there existed explicit wording covering the requirement to meet local safety codes and other local laws related to health and safety. Then at some point in the amendment process the wording disappeared- relegated to being only implicit, inferred, or implied.

In the FCC's Order 14-153, paragraph 202, page 88, the FCC recognizes that wireless facilities modification under Section 6409(a) should remain subject to building codes and other non-discretionary structural and safety rules, pointing out that States and localities may require specific safety compliance for approval. "States and localities may require a covered request to comply with generally applicable building, structural, electrical, and safety codes or with other laws codifying objective standards reasonably related to health and safety, and that they may condition approval on such compliance."

May 4, 2015

We are asking that safety, which the FCC clearly recognizes as an important regulatory right for States and localities, be added to Durham's UDO, specifically to the General Requirements section relating to requirements for any site plan application for wireless facilities.

Donna Rudolph, resident of Durham, addressed Council providing the following comments:

Mayor and Council, Thank you for having authorized revising Durham's wireless policy in 2012 when our cluster of city and county residents urged citizen engagement in decisions to put cell towers in existing residential areas. I thank also neighbors, planning staff, particularly Michael Stock for addressing questions, and the Zoning Committee of Inter-Neighborhood Council for months of effort toward the revision we're discussing tonight. The reason for presenting her paper this evening was that she had outstanding questions; referenced items 1-3 on her paper; stated that towers could grow; that towers could start out as a 60 foot tower, the tower could be modified, either with petite or substantial/transformational modifications; stated that industry could raise towers to increase capacity beyond 20 feet or at least 10% of the tower's height. Before the Amendment becomes law I'd like Council members to help get answers for Joe Public that I couldn't get from staff even though I went to Planning's last info meeting for INC. Forgive me if I didn't ask in the right way or that answers you tried to give went over my head. Please let me ask again:

I have three questions about how the Amendment handles towers now that they can grow. You know that the wireless industry got the go-ahead from state and federal authorities to "Co-locate" - to "add onto" towers, once they're installed, to heighten and widen them to hold more antennas and to increase their ground support equipment. The modest "Collocations" called "Eligible Facility Requests" are handled in the Amendment. But on the big upsizing changes called "Substantial" that can totally transform a "host" tower the Amendment is incomplete and unclear. Here's what I think the Amendment ought to tell us all about "Substantial Changes"-

- What do these Substantial Changes *look like*? Can't the text in the body of the document or the Definition Section describe how much a tower's height or mass can be altered or how extensive its compound of equipment (generators etc.) can be?
- What are the Standards (like safety etc.) that these significant changes must comply with? Section 5.3.3.N.4.d.(5) says Substantial Changes "must comply with *applicable* ordinance requirements. Examples? Are safety setbacks and zoning height limits *applicable*? If what's applicable isn't spelled out, *who* picks decides- staff, developer?
- Who has the *authority to approve* these transformative changes, especially in residential areas? If a company applies to double the height of its 55ft tower that was approved by staff because it obeyed R zone height limit, is the approval of this Substantial Change administrative, or does it trigger a Special Use Permit, whereby nearby residents get a say at a public hearing before the Board of Adjustment?

May 4, 2015

The law serves to level the playing field between ordinary citizens and forceful development interests. If it's by inference developers with their attorneys trump the citizen. Please fix the ambiguities.

Mayor Pro-Tempore Cole-McFadden inquired about what else could be done this evening to move this item forward.

Mr. Stock responded that Council could approve the item as written and ask staff to come back later with changes and not holding up the current text amendment itself; stated that any changes would require staff to rewrite the text and come back before Council with the proposed changes; relevant to safety concerns, he stated the current language covered what would be looked at as building permits, ANSI requirements and site plan approvals; the City required documents currently and that specific language was included in the building code requirements; and the definition of a WCF, was all encompassing consisting of equipment, the antenna, not just the tower, as the entire facility and as such was covered in the UDO.

Council Member Catotti thanked all parties involved in the process; stated that the topic had undergone a considerable amount of review; and requested clarification on the substantial change threshold; the minor special use permit process and the protections involved.

Mr. Stock confirmed the substantial change threshold as 20 feet or 10%; and that a minor special use permit would be required depending on the height of tower; clarified the minor special use process as a quasi-judicial hearing heard by the Durham City-County Board of Adjustment, referenced evidence and creditable testimony that would have to be provided for or against; referenced the legal documents that are produced for approval or denial; noted appeals to the decisions would go to Superior Court; and stated that notification was 300 feet and now has increased to 600 feet for any special use permit.

Council Member Catotti requested verification regarding the Inter-Neighborhood Council's request for homes in rural residential in the suburban tier and asked for clarification of protections for homes currently in the RR district; noted that a minor special use permit would be required for any concealed or unipole tower over 60 feet tall and any monopine or non-concealed tower of any height; applied to sites within 450 feet of a residential district no matter the zoning of the site; requested confirmation from Mr. Stock on the minimum lot size for non-concealed towers being five acres; concurred with Planning Commissioner Linda Huff's comments by stating that five-acres was a substantial amount of property and she did not feel it would be appropriate to cap the height of towers at the surrounding district because one would have to come before the Board of Adjustment which was essential. She stated she felt there were sufficient protections and expressed concerns about unilaterally capping height and precluding it due to acreage; the minor special use process and the notification and additional protections.

Mr. Stock confirmed the information read and stated by Council Member Catotti.

At the request of Council Member Davis, Mr. Stock summarized the objections by some of the Planning Commission members who opposed the request and commented on the safety concerns raised by the citizens; noted involvement of the Inspections and Fire Departments regarding cell facilities storage tanks; stated if the council felt there were some necessary changes and wanted

May 4, 2015

them incorporated into the draft document there would be a delay for a couple of cycles; and stated if the council wanted to approve the item this evening and request staff to review the changes and bring them back through technical amendments which they do on a yearly basis that could be accomplished too.

Council Member Moffitt asked for clarification of the problems with WCFs during Hurricane Sandy.

Mel Ferenbacher responded that 25% of towers in the path of Hurricane Sandy were no longer operational according to news articles; and the expert at the Planning Commission meeting stated the main thing that failed on the towers were the antennas due to not having adequate safety.

Council Member Moffitt stated his understanding was that the primary problem was that the WCFs in Hurricane Sandy's path involved roads being blocked and the facilities could not be reached to refuel the generators.

Council Member Moffitt stated he was on the Joint City-County Planning Committee; referenced his and his colleagues' efforts on the issue; stated the draft ordinance met virtually all concerns; considering a lack of compelling evidence, he was reluctant to continue working on the ordinance; mentioned that the ordinance was a unified development ordinance pending the approval of the County Commissioners; commented on the split vote by the Planning Commission and the comments by Commissioner Huff being compelling to him; and expressed support for the current version of the ordinance as presented.

Council Member Schewel complimented Mr. Stock's ability to explain a complicated issue in layman's terms; addressed Mrs. Fehrenbacher's and Mrs. Rudolph's activism that had an impact on work started four years previously; stated the current ordinance was much improved over the prior version; stated he would support the ordinance as written; and stated that for the outstanding concerns raised, he requested that staff which would include a review by the Joint City/County Planning Committee; take a look at those concerns and bring back for discussion later.

Mayor Pro-Tempore Cole-McFadden thanked Mr. Stock for his efforts and complimented the citizens for their contributions.

Council Member Brown added that the ordinance was a victory for the citizens; that after three years of discussion and debate, it was time for the debate to cease; and that he was supportive of the ordinance.

Council Member Moffitt complimented the work of the GoodNeighbors and the Inter-Neighborhood Council; and stated that there had been a productive partnership between the citizens and staff over the past 2 ½ years.

Being no additional speakers to the item, Mayor Bell declared the public hearing closed.

Mayor Bell stated he supported the ordinance but that he was not comfortable with the safety issues that had been raised; he voiced empathy for the citizens who felt they could be potentially impacted; and encouraged staff to review the safety issues.

May 4, 2015

MOTION by Council Member Brown, seconded by Mayor Pro-Tempore Cole-McFadden, to adopt an Ordinance Amending the Unified Development Ordinance, incorporating revisions to Article 3, Applications and Permits; Article 5, Use Regulations; and Article 16, Definitions was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

ORDINANCE #14746

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Councilmember Moffitt, to adopt a Consistency Statement as required per NCGS § 160A-383 was approved at 9:05 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

UNIFIED DEVELOPMENT ORDINANCE
TEXT AMENDMENT CONSISTENCY STATEMENT
BY THE DURHAM CITY COUNCIL
REGARDING TC1200013, Wireless Communication Facilities

WHEREAS the Durham City Council, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS § 160A-383, is required to approve a statement describing how the action is consistent with the *Durham Comprehensive Plan*; and

WHEREAS the Durham City Council, upon acting on a text amendment to the *Unified Development Ordinance* and pursuant to NCGS § 160A-383, is required to provide a brief statement indicating how the action is reasonable and in the public interest.

NOW THEREFORE, BE IT ADOPTED BY THE DURHAM CITY COUNCIL AS APPROPRIATE:

That final action regarding text amendment TC1200013, Wireless Communication Facilities, is based upon review of, and consistency with, the *Durham Comprehensive Plan* and any other officially adopted plan that is applicable, as provided in the “Issues” section of the memo to the City Manager, dated May 4, 2015, regarding the subject “*Unified Development Ordinance* Text Amendment, Revisions to the Wireless Communication Facilities Ordinance (TC1200013),” along with additional agenda information provided to the City Council and information provided at the public hearing; and

It is the objective of the Durham City Council to have the *Unified Development Ordinance* promote regulatory efficiency and consistency and the health, safety, and general welfare of the community. The text amendment promotes this by offering fair and reasonable regulations for the citizens and business community of the City of Durham as supported in the “Issues” section of the memo to the City Manager, dated May 4, 2015, regarding the subject “*Unified Development Ordinance* Text Amendment, Revisions to the Wireless Communication Facilities Ordinance (TC1200013),” along with additional agenda information provided to the City Council and

May 4, 2015

information provided at the public hearing. Therefore, the amendment is reasonable and in the public interest.

SUBJECT: STREET CLOSING - WILLOW STREET (SC1400018)

Assistant Planning Director Patrick Young presented the staff report stating that Edens Land Corporation proposed to close a 7,251 square foot portion of Willow Street. The right-of-way was currently open and the portion of the street requested for closure was bordered by property owned by B. Wallace Design and Construction, LLC. If the request was approved, the portion of the right-of-way would be recombined with the adjacent properties that would allow development of the current right-of-way to serve seven residential lots; and stated the request was reviewed by 20 City and County agencies and public utility providers and no negative impacts were identified.

Mayor Bell opened the public hearing and stated there was a speaker to the item.

Jarroed Edens, of Edens Land Corporation & representing B. Wallace Design and Construction LLC, stated that he was available for questions.

Council Member Moffitt inquired about connectivity and the impact that the applicant's property abutted a right-of-way that connected to Huron Street; if closed, then it created a cul-de-sac; if left open, it connected to Huron and possibly the other section of Willow; and asked for the rationale for closing a street so that streets could not be connected.

Mr. Young responded it was a consideration for Council to evaluate to decide if this street closing was in the best public interest or not; stated this has been a plat but unapproved right-of-way for a very long time; stating there was pretty good connectivity in the Tuscaloosa-Lakewood neighborhood both to the east and west of the site.

Council Member Moffitt stated that he was having some personal resistance to cul-de-sac streets when the City was trying to move away from them.

Mr. Young confirmed that the *Comp Plan* and UDO was a critical component in terms of connectivity; however, the right-of-way had been unapproved for a long time, there were unbuildable lots on the interior, and reiterated it was the judgment of Council.

Jarroed Edens interjected that as Willow Street headed south, the entire ROW contained a buffered stream; the likelihood that the property would become something else was very minor; and confirmed that the connection with Huron would involve a stream crossing.

Mayor Bell stated there were no additional speakers and declared the public hearing closed.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Brown, to adopt an Order for the permanent closing of a 7,251 square foot portion of Willow Street was approved at 9:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

May 4, 2015

ORDINANCE #14747

SUBJECT: STREET RENAMING – PORTION OF WILLOW STREET TO ANCHOR WAY (SN1500001)

Assistant Planning Director Patrick Young presented the staff report; stated the request was to permanently rename a northern portion of Willow Street to Anchor Way; the request was submitted in conjunction with a street closing request for a portion of Willow Street (Case SC140018). The closing, if approved, would create two un-connected portions of Willow Street. In order to improve service response time and avoid any potential conflicts, the applicant chose to rename the portion of the street.

He stated no potential impacts had been identified with the proposed street renaming from staff reviewers, including Durham County EMS. Staff had received no comments from citizens regarding the renaming. A community meeting was held on Thursday, March 5, 2015 to receive public input on the proposed renaming. All adjacent land owners were notified of the meeting. No comments were received at the meeting and staff has not received any opposition to the renaming of this portion of Willow Street; and stated that this was not a public hearing item.

Mayor Bell stated there were two speakers to the item.

Jarrod Edens, representing Edens Land Corp., stated he was available to respond to questions by Council.

Elizabeth Shearer, resident of the area near the proposed renaming, stated she believed the name change and street closing comprised the first step in a new development of seven houses; stated a creek ran through the entire area; explained her lot extended to the creek; stated she has resided in her home for four years and continues to have water/drainage issues; expressed concerns about developing an area on the same slope as her residence that would have the similar drainage issues; voiced concern with the fate of the creek potential impacts on the environment, pre-existing homes and future homes that would have to deal with the same drainage issues; and stated that the road was named Chester Springs Road and that there were possibly springs that fed into the creek.

Susan Sewell, resident in the area, stated there were issues and encouraged the developer to work with the neighbors and neighborhood association; and that she had not received a notice about the item.

Council Member Schewel addressed Ms. Shearer informing her that staff and Mr. Edens could speak with her about how to be involved in the process and what her rights were; and complimented her on being a wonderful elementary school principal for his two children.

Mr. Young confirmed there was a stream that ran concurrent with right-of-way of Willow Street to the south; and it was his understanding, the intent of the design was to construct to improve the right-of-way down to the location of the closed portion, put in a cul-de-sac and stay out of the

May 4, 2015

stream buffer and the lots to the north could be developed; and stated the applicant would have to put in a roadway to city standards in order to access the lots .

Mr. Edens explained that the plan was in for review but was on hold while the street closing process was conducted; stated the plan had a short cul-de-sac with seven lots, stated a wet detention pond for treatment and vegetative filter strip had met city ordinance requirements.

MOTION by Mayor Pro-Tempore Cole-McFadden, seconded by Council Member Schewel, to adopt a Resolution permanently renaming a portion of Willow Street to Anchor Way was approved at 9:19 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

RESOLUTION #9924

[SUPPLEMENTAL ITEM]

SUBJECT: 2015 FIRST QUARTER SUMMARY CRIME REPORT PRESENTATION

To receive a presentation from the Durham Police Department on the 2015 First Quarter Summary Crime Report.

Police Chief Lopez made a PowerPoint presentation on the Durham Police Department's 2015 First Quarter Summary Crime Report; stated the report covered six performance measures; spoke to current initiatives along with the utilization of social media.

The Chief commented on Part 1 Violent Crime comparing homicides, rapes, aggravated assaults and robberies and stated they were up 22%; compared homicides, rapes, aggravated assaults and violent crime from 2011 through 2015; property crime was up by 2% in the first quarter; spoke to shop lifting and burglaries; stated there was a residential awareness campaign underway; urged all to dial 911 when seeing suspicious behavior; addressed Part 1 Index Crime was up 4.5% in 1st quarter due to increases in larcenies, robberies and aggravated assaults; stated that crime was down in areas of rapes, burglaries and motor vehicle thefts; and compared clearance rates to the federal rate; spoke to average response times, the target was 5.8 minutes and 52.3% of Priority 1 calls were answered in under five minutes, target was 57%; addressed staffing levels that included Sworn – Fully Staffed and Non-Sworn –95 percent (115/121); and reminded all to follow DPD on Social Media.

Mayor Pro-Tempore Cole-McFadden thanked the Police Chief for his report; requested statistics on drive-by shootings; requested information on drive-by shootings be compiled and inquired how much time would be required to compile the analysis; inquired about celebratory shootings into the air; and reiterated that the public could assist the Police in crime fighting.

Police Chief Lopez commented on drive-by shootings and the solvability rate; referenced Project Safe Neighborhoods efforts informing the public on the danger of celebratory shootings; stated he would request crime analysis staff to compile the data on drive-by shootings; and stated he was engaged in conversations regarding software, Shots Spotter.

May 4, 2015

Council Member Schewel responded to the statistics that they were not surprising; appreciated the proactive steps involved with the Department's Ninety-Day Plan's 'neighborhood knock and talks' specifically in McDougal Terrace, Cornwallis and Birchwood; was appreciative of the six scheduled community meetings to discuss issues surrounding police body cameras; was appreciative of Chief Pendergrass receiving 10 week FBI Academy Training; congratulated the department on its gun stoppers campaign and highway interdiction initiatives; and emphasized the importance of targeted efforts to get aggravated assaults under control.

Council Member Davis complimented the Police force on its proactive activities involving community outreach campaigns; and hoped the communities were supportive of the door-to-door campaigning.

Chief Lopez responded that they would continue the door-to-door campaigns.

Council Member Moffitt referenced Mayor Pro-Tempore Cole-McFadden's request for statistics on drive-by shootings; inquired if those statistics were available on the RAIDS-On-Line website; and stated that RAIDS-on-Line was promoting transparency for the department by the timeliness of its information.

Chief Lopez responded that drive-by shootings were classified as 'shots fired'.

Mayor Pro-Tempore Cole-McFadden expressed concerns about black youth committing misdemeanors and going to detention; inquired how often parents were contacted when youth committed minor crimes or how often there were no parents to call; spoke to how the gap could be filled by individuals who would be willing to help with such situations; and emphasized how important it was that youth did not accumulate records for minor offenses.

Chief Lopez responded that standard procedure for youth under the age of sixteen was to contact the parents; stated that a diversion program was underway with the Sherriff's Department and the courts for first-time offenders; and referencing the program, stated it was an effort to prevent youth from accumulating criminal records for minor offenses.

Mayor Pro-Tempore Cole-McFadden spoke on youth falling through the cracks.

Mayor Bell congratulated the Police Chief on solving robberies and complimented the police work; requested additional information on the public forum on May 11 & 12 regarding body cameras; requested updated information on consent searches; and inquired about the Twenty-First Century Policing topic.

Will Glenn, Public Affairs Manager, provided additional details on the public forums scheduled for police body cameras; and stated that information was listed on the Police Department's website.

City Manager Bonfield responded that the updated traffic stop report was in process along with a variety of associated reports that would be provided to Council in the near future.

May 4, 2015

Mayor Bell stated there were two speakers to the item.

Victoria Peterson, Durham resident, responded that getting a handle on crime required more than being able to refer to RAIDS on Line; stated murder and victims statistics were off the hook in Durham; asked the Chief, that after a person had been arrested, what happened to the person or after the person went to court; had concerns about the leadership of the Police Chief; and why did the Police Department not keep information on shootings in neighborhoods.

Rafid Zaidi, representing FADE and President of Black Concerned Citizens, expressed concerns that crimes were not being reported by residents or that the Police were not responding to incidents; referenced information sent to the Office of US Attorney General Loretta Lynch in which he expressed his beliefs that Durham would become another Baltimore due to piece-meal initiatives; and stated that there was a spiritual and moral problem.

Mayor Bell requested that Mr. Zaidi provide solutions to the issues he referenced.

At this time, Mayor Pro-Tempore Cole-McFadden requested an excused absence from the Thursday, May 7th Work Session.

MOTION by Council Member Catotti, seconded by Council Member Schewel, to excuse Mayor Pro-Tempore Cole-McFadden from the May 7th Work Session was approved at 9:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro-Tempore Cole-McFadden and Council Members Brown, Catotti, Davis, Moffitt and Schewel. Noes: None. Absent: None.

There being no further business to come before Council, the meeting was adjourned at 9:48 p.m.

Dianalynn Schreiber, CMC, NCCMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk